

REMARKS

Claims 1-26 are all the claims pending in the application. Claims 2-6, 9-12, 17 and 18 are withdrawn from consideration.

35 U.S.C. § 103:

Claims 21-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Neal et al. (U.S. Patent No. 905,349 [hereinafter "Neal"]).

Claims 21-26 were added in the Amendment dated February 14, 2006. Claims 21 and 24 are in independent form. Claim 21 describes, *inter alia*, a first indication member which is attached such that the electrical connector cannot be connected if the user does not remove the first indication member. Claim 21 also describes a second indication member which is attached at a cable side of the electrical connector and configured so as not to impede connection of the electrical connector. Independent method claim 24 includes similar features.

An exemplary embodiment of the present invention is shown in Figs. 9a and 9b. By way of example and not limitation, the first indication member of claim 21 may include element 72 in Figure 9A and the claimed second indication member may include element 74. The indication member 72 is further from the cable 30 than the indication member 74.

On the other hand, the Examiner applies the upper tag portion d of Neal against the first indication member and the lower portion of the tag d (as shown in Figure 3) against the second indication member. Therefore, at least one difference between Neal and the exemplary embodiment of Figures 9A and 9B is that the present first indication member 72 is further from the cable 30 than the second indication member 74. Accordingly, Applicant amends claims 21 and 24 to further define this feature.

Neal fails to disclose each feature of amended claims 21 and 24 at least because the applied first indication member (i.e. upper portion of tag d) is not further from the cable than the lower portion of d. Instead, Neal's upper portion d (applied against the first indication member) is *closer* to the cable B than the lower portion of d (applied against the second indication member). Therefore, Neal fails to disclose each feature of claims 21 and 24, such that the rejection thereof under 35 U.S.C. § 103(a) should be withdrawn. The rejection of claims 22, 23, 25 and 26 should also be withdrawn at least by virtue of these claims depending upon claims 21 and 24.

35 U.S.C. § 103(a):

Claims 1, 7, 8, 13-16 and 19-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander (U.S. Patent No. 6,811,027) in view of Gendreau (U.S. Patent No. 5,090,559) or Kugler (U.S. Patent No. 3,281,056).

Independent claims 1, 14, 21 and 24 are specifically drawn to an indicator for an electrical connector and a method of manufacturing the indicator. Although the preamble does not necessarily require the existence of the electrical connector, the claims make it clear that the indicator is to be used with an electrical connector.

In the section entitled "Response to Arguments," on page 5 of the Office Action, the Examiner asserts that Applicant fails to positively claim the electrical connector in the claims, and asserts that the claims are instead directed to an indication member "for" an electrical connector. Therefore, the Examiner asserts that the references, including Alexander, are capable of performing the function of covering an electrical connector.

Alexander and Gendreau are both clearly directed to covering articles of clothing. Kugler is directed to a device for storing bags, such as sandwich bags. Therefore, Applicant respectfully disagrees with the Examiner's position. In particular, it is well established that "although a prior art device may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." (*In re Mills*, 916 F.2d 680, 682; and MPEP §2143.01). There is clearly no motivation to associate a clothing bag or sandwich bag, as in the applied art, with an electrical connector.

One skilled in the art would not interpret the invention of claims 1, 14, 21 and 24 as being used with either a clothing bag or a sandwich bag, such that the combination of Alexander, Gendreau and Kugler fails to teach or suggest each feature recited in claims 1, 14, 21 and 24. The rejection of dependent claims 7, 8, 13, 15, 16, 19, 20, 22, 23, 25 and 26 should be withdrawn at least by virtue of their respective dependencies upon claims 1, 14, 21 and 24.

Nevertheless, Applicant amends the preamble of claims 1 and 21 to recite "A combination of an indicator and an electrical connector." Similarly, claims 14 and 24 are amended to recite "A method of manufacturing an indicator connected to an electrical connector." Accordingly, the claims require the combination of both the indicator and the electrical connector, and therefore include a unique combination of features which are neither taught nor suggested by Alexander and Gendreau, which are directed to covering articles of clothing, and Kugler, which is directed to a device for storing bags.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

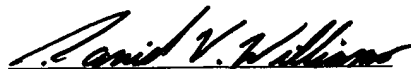
AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Patent Application No.: 10/769,792

Q79500

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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